

108TH CONGRESS  
1ST SESSION

# S. 349

To amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2003

Mrs. FEINSTEIN (for herself, Ms. COLLINS, Ms. LANDRIEU, Ms. SNOWE, Mr. KENNEDY, Mr. ALLEN, Mr. JOHNSON, Mr. DAYTON, and Mr. BUNNING) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Social Security Fair-  
5       ness Act of 2003”.

1 **SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVI-**  
 2 **SIONS.**

3 (a) WIFE’S INSURANCE BENEFITS.—Section 202(b)  
 4 of the Social Security Act (42 U.S.C. 402(b)) is amend-  
 5 ed—

6 (1) by striking “and paragraph (4) of this sub-  
 7 section” in paragraph (2); and

8 (2) by striking paragraph (4) and redesignating  
 9 paragraph (5) as paragraph (4).

10 (b) HUSBAND’S INSURANCE BENEFITS.—Section  
 11 202(c) of such Act (42 U.S.C. 402(c)) is amended—

12 (1) by striking paragraph (2) and redesignating  
 13 paragraphs (3) through (5) as paragraphs (2)  
 14 through (4), respectively; and

15 (2) by striking “and paragraph (2) of this sub-  
 16 section” in paragraph (2) as so redesignated.

17 (c) WIDOW’S INSURANCE BENEFITS.—Section  
 18 202(e) of such Act (42 U.S.C. 402(e)) is amended—

19 (1) by striking “, paragraph (7) of this sub-  
 20 section,” in paragraph (2)(A); and

21 (2) by striking paragraph (7) and redesignating  
 22 paragraphs (8) and (9) as paragraphs (7) and (8),  
 23 respectively.

24 (d) WIDOWER’S INSURANCE BENEFITS.—

25 (1) IN GENERAL.—Section 202(f) of such Act  
 26 (42 U.S.C. 402(f)) is amended—

1 (A) by striking paragraph (2) and redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively; and

2 (B) by striking “, paragraph (2) of this subsection,” in paragraph (2) as so redesignated.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Section 202(f)(1)(B) of such Act (42 U.S.C. 402(f)(1)(B)) is amended by striking “paragraph (5)” and inserting “paragraph (4)”.

5 (B) Section 202(f)(1)(F) of such Act (42 U.S.C. 402(f)(1)(F)) is amended by striking “paragraph (6)” and “paragraph (5)” (in clauses (i) and (ii)) and inserting “paragraph (5)” and “paragraph (4)”, respectively.

6 (C) Section 202(f)(5)(A)(ii) of such Act (as redesignated by paragraph (1)(A) of this subsection) is amended by striking “paragraph (5)” and inserting “paragraph (4)”.

7 (D) Section 202(k)(2)(B) of such Act (42 U.S.C. 402(k)(2)(B)) is amended by striking “or (f)(4)” each place it appears and inserting “or (f)(3)”.

1 (E) Section 202(k)(3)(A) of such Act (42  
 2 U.S.C. 402(k)(3)(A)) is amended by striking  
 3 “or (f)(3)” and inserting “or (f)(2)”.

4 (F) Section 202(k)(3)(B) of such Act (42  
 5 U.S.C. 402(k)(3)(B)) is amended by striking  
 6 “or (f)(4)” and inserting “or (f)(3)”.

7 (G) Section 226(e)(1)(A)(i) of such Act  
 8 (42 U.S.C. 426(e)(1)(A)(i)) is amended by  
 9 striking “and 202(f)(5)” and inserting “and  
 10 202(f)(4)”.

11 (e) MOTHER’S AND FATHER’S INSURANCE BENE-  
 12 FITS.—Section 202(g) of such Act (42 U.S.C. 402(g)) is  
 13 amended—

14 (1) by striking “Except as provided in para-  
 15 graph (4) of this subsection, such” in paragraph (2)  
 16 and inserting “Such”; and

17 (2) by striking paragraph (4).

18 **SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.**

19 (a) IN GENERAL.—Section 215 of the Social Security  
 20 Act (42 U.S.C. 415) is amended—

21 (1) in subsection (a), by striking paragraph (7);

22 (2) in subsection (d), by striking paragraph (3);

23 and

24 (3) in subsection (f), by striking paragraph (9).

1       (b) CONFORMING AMENDMENTS.—Subparagraphs  
2 (C) and (D) of section 202(e)(2) of such Act (42 U.S.C.  
3 402(e)(2)(C), (D)) are each amended by striking “section  
4 215(f)(5), 215(f)(6), or 215(f)(9)(B)” and inserting  
5 “paragraph (5) or (6) of section 215(f)”.

6 **SEC. 4. EFFECTIVE DATE.**

7       The amendments made by this Act shall apply with  
8 respect to monthly insurance benefits payable under title  
9 II of the Social Security Act for months after December  
10 2003. Notwithstanding section 215(f) of the Social Secu-  
11 rity Act, the Commissioner of Social Security shall adjust  
12 primary insurance amounts to the extent necessary to take  
13 into account the amendments made by this Act.

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